



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

**Planning Services
Division**

Paul Thompson
Deputy Director of Planning

HEARING DATE: May 12, 2011
ITEM NO.: 2
TIME: 10:20 am

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: May 12, 2011
SUBJECT: Third-Party Zoning Administrator Appeal – Minor Use Permit (MPPM 2010 0263)
Tahoe Paddle and Oar
Categorically Exempt – 18.36.060 Class 4F

COMMUNITY PLAN AREA: Kings Beach

GENERAL PLAN DESIGNATION: Entry Commercial / Plan Area Statement 029–Special Area 2

STAFF PLANNER: Steve Buelna, Supervising Planner

LOCATION: The project site is located at 8258 North Lake Boulevard, within the existing Falcon Lodge property, in the Kings Beach area.

APPLICANT: Tahoe Paddle and Oar – Phil Segal

APPELLANT: Ferrari Investments LLC, Dave Ferrari

PROPOSAL: The applicant (Tahoe Paddle and Oar) requests a Minor Use Permit Modification (MPPB 20100263) to change a previous Condition of Approval 5 that expired the entitlement on December 14, 2010. Through this modification, the applicant also requests that this entitlement be allowed to continue until December 30, 2015. The original approval allowed for the storage/display of up to 20 kayaks. This modification requests the approval to allow for a maximum of 40 kayaks to be displayed on this site based on available parking.

CEQA COMPLIANCE:

This project is categorically exempt from the provisions of CEQA per Section 18.36.060 (Class 4) (F)[Minor Temporary Use of Land], of the Placer County Environmental Review Ordinance, October 4, 2001. The proposed use is a minor temporary use of land having no permanent

effects on the environment as it is a couple kayak racks that will be removed when the use is no longer present at this site.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. Community Development/Resource Agency staff and the Departments of Public Works, Environmental Health, Air Pollution Control District, the Airport Land Use Commission and the North Tahoe Regional Advisory Council (NTRAC) were transmitted copies of the project plans and application for review and comment. All County comments have been addressed and conditions have been incorporated into the staff report. No public comments have been received.

SITE CHARACTERISTICS:

The subject property is the current site of the Falcon Lodge, a commercial motel property located on the south side of North Lake Boulevard (SR28) in the Kings Beach area. This site is approximately 20,000 square foot in size, relatively level, and is for the most part occupied by either structure or paving. The Falcon Lodge contains 24 guest rooms, one manager's unit, and 31 parking spaces. Across the street (north) from this location is the primary operation for Tahoe Paddle and Oar, an outdoor recreation store.

EXISTING LAND USE AND ZONING:

| | <u>LAND USE</u> | <u>ZONING</u> |
|-------|---------------------------|-----------------------|
| SITE | Motel | West Entry Commercial |
| NORTH | Commercial | West Entry Commercial |
| SOUTH | Residential & State Beach | West Entry Commercial |
| EAST | Commercial | West Entry Commercial |
| WEST | Motel | West Entry Commercial |

BACKGROUND/PROJECT DESCRIPTION:

On May 18, 2004, Phil Segal on behalf of Tahoe Paddle & Oar submitted an application for approval of a Minor Use Permit to allow for the display of a kayak rack that would be capable of storing 20 kayaks. While the project was approved by the Zoning Administrator and the Planning Commission, the project was appealed to the Board of Supervisors. After considering the appeal, the Use Permit was approved by the Board of Supervisors on December 14, 2004. In March 2005, the Zoning Administrator approved a modification to that Use Permit to allow for off-season (October through April) kayak rentals for guests of the Falcon Lodge and to extend the expiration date to December 14, 2010. That action was not appealed.

On August 3, 2010, the applicant requested a Minor Use Permit Modification to extend the expiration date of the existing entitlement to December 30, 2015. In addition to the time extension, the applicant also requested an increase the number of kayaks from the 20 that were allowed under the entitlement approved in 2004 to 40 kayaks. The applicant provided a parking plan that demonstrates the ability to provide sufficient parking for this increase in use.

The motel parking provides a surplus of six parking spaces (31 spaces at the motel, and the motel use generates the need for 25 parking spaces). The remaining 14 parking spaces required for the kayak concession (kayak concessions are expected to provide one space for every two kayaks, for a total of 20 spaces for this operation) would be provided at the main business location for the kayak rental across the street.

The limitation on the expiration date was originally set due to concerns regarding issues experienced with other concessionaires in the vicinity. The Minor Use Permit Modification was temporarily placed on hold because of compliance issues associated with the motel use, not the Tahoe Paddle and Oar business.

Subsequent to the filing of the Minor Use Permit Modification and prior to the Zoning Administrator hearing, the County received a Code Enforcement complaint for the subject property. The resolution of this complaint resulted in some delay of the processing of the application. Once the issues at the site were resolved (all related to the motel use and not the kayak concession), the project was scheduled for hearing.

ZONING ADMINISTRATOR HEARING:

The Zoning Administrator heard the Minor Use Permit Modification request on February 2, 2011 (Attachment D). At that hearing, the Zoning Administrator considered reports from the Development Review Committee staff and received oral testimony from the applicant Phil Segal and the property owner to the west, Dave Ferrari. Written correspondence was also received from Dave Ferrari, Judy Layton, and Theresa Duggan. The correspondence raised concerns of the condition of the Falcon Lodge, the length of time the extension is requested for, and the compliance (or lack thereof) of the Tahoe Paddle and Oar with their previous conditions of approval.

The proposed Modification is to allow the business to operate for the next five years and to increase the approval to allow for a total of 40 kayaks. During the public hearing, the appellant raised a number of concerns for this permit extension. Most of the discussion was related to issues experienced with the hotel use. A concern was raised about allowing an increased use of the property when there have been so many problems at the site. Mr. Ferrari provided a summary of the calls for service at that location from law enforcement to substantiate his claim.

The Zoning Administrator considered the testimony and took action to approve the request to modify the Minor Use Permit (PMPM20100263), subject to the findings and conditions of approval submitted by the Development Review Committee (Attachment A). The Zoning Administrator modified two of the conditions of approval from the recommendation contained in the staff report. One condition that was modified was related to the expiration date. This condition approved the Minor Use Permit for one year with the ability to extend that approval for a total of five years if there were no issues with compliance during the first year. This was to address the concerns related to the applicant complying with the conditions of approval. The other modified condition limited the room rental of the Falcon Lodge to ten motel rooms. The intent behind this condition was to ensure an adequate number of available parking spaces for the proposed increased number of kayaks. Mr. Ferrari appealed this decision on February 14, 2011. (See Attachment E).

NORTH TAHOE REGIONAL ADVISORY COUNCIL MEETINGS:

On two occasions, the appeal of the Tahoe Paddle and Oar Minor Use Permit was presented to the North Tahoe Regional Advisory Council. The first meeting on March 10, 2011 was scheduled on the NTRAC agenda as a non action/informational only item and NTRAC offered the following comments on the pending appeal:

- A comment was provided that it is unfortunate that a positive activity such as kayaking is caught in the middle of issues with a blighted property such as the Falcon Lodge. A council member commented that most individuals in the area are aware of the undesirable activities that occur at this property.
- It is unfortunate that a third-party (Tahoe Paddle and Oar) is held hostage for the difficulty with the compliance process.
- Various NTRAC members commented on concerns of so little parking in this area and perhaps the cumulative impacts of the various concessionaires in the area should be reviewed. "The County should take a global look at the issue."
- A comment was received that raised a concern that, without the Use Permit, persons would be "dragging" kayaks across State Route 28 and the beach.

The continuance of this appeal provided an opportunity for this project to return to NTRAC as an action item. On April 14, 2011 the NTRAC provided a unanimous recommendation to the Planning Commission to grant the appeal and deny the Minor Use Permit. The discussion during the meeting focused on the condition of the motel as well as the numerous visits to the site from local law enforcement. Council members acknowledged that the issues with this property are not with the kayak concession, but with the motel operation itself. In providing their recommendation for denial, the Council expressed concern with the increased use of this property by approval the Minor Use Permit.

LETTER OF APPEAL:

On February 14, 2011, the County received a third-party appeal from Dave Ferrari, appealing the Zoning Administrator's approval of the Minor Use Permit for Tahoe Paddle and Oar. A copy of the appeal is attached (Attachment E). As set forth in the submitted letter, the basis for the appeal is as follows:

1. Lack of compliance with previous conditions of approval;
2. Lack of Lakefront ownership;
3. Current operation of Falcon Lodge;
4. Need for Excessive numbers of visits from law enforcement;
5. Zoning Administrator's decision to limit rooms in unenforceable;
6. Zoning Administrator's position that the permit will better the situation at the Falcon Lodge is inaccurate;
7. Kayak rentals are not the highest and best use of the property;
8. Request the permit restrict access off Brockway Vista Avenue;
9. The parking proposed is not adequate;

ANALYSIS:

The issue of primary concern that has been repeatedly raised is the numerous calls for service for law enforcement to the motel at the project location. The record shows that, over the past three-year period, the Placer County Sheriff has received more than 258 calls to respond to incidents at the Falcon Lodge property. The summary of these calls for service include assaults, physical fights, drug activity, theft, threats, and probation searches. Similar to the discussion at NTRAC, staff is concerned with the approval of an additional use at this site that would draw persons to a location which has a documented history of issues with law enforcement. As such, staff cannot recommend that the Planning Commission make the finding that the proposed use would not be detrimental to the health, safety, peace, comfort and general welfare of the public, as approval of this project would be encouraging persons to enter a site that has been shown to contain an excessive amount of illegal activities and/or need for law enforcement presence. Staff cannot support increased use of this site when the potential for unknowing persons to be harmed exists.

It would not be staff's desire to make a recommendation that would deter or prohibit business from occurring within the County. As discussed at the NTRAC meeting, staff agrees that kayak rental is a positive activity for this area. Because the primary Tahoe Paddle and Oar business is located almost directly across the street from the proposed project location, it is staff's position that the action by the Planning Commission to deny the Minor Use Permit will not result in a significant impact on the ability of Tahoe Paddle and Oar to conduct their business. The kayak rental can be conducted from the Tahoe Paddle and Oar store location on the north side of State Route 28. Although a concern has been raised with the transporting of kayaks across the highway, staff has concluded that there are other options available to the public and Tahoe Paddle and Oar that are safe to gain access to Lake Tahoe (such as the Conference Center Parking, State Beach parking, or Coon Street Boat Launch) that do not require access through a potentially dangerous location such as the Falcon Lodge site.

RECOMMENDATION:

Based on the recommendation of the North Tahoe Regional Advisory Council and staff being unable to make the finding that the project will not pose a safety concern, staff recommends the Planning Commission grant the appeal and deny the Minor Use Permit.

FINDINGS FOR DENIAL**MINOR USE PERMIT MODIFICATION - PMPM 20100263 TAHOE PADDLE AND OAR****CEQA COMPLIANCE:**

Because this project will be disapproved, CEQA does not apply. CEQA Guidelines Section 15270; see also, CEQA Guidelines section 15061(b)(4) (project which will be rejected is exempt from CEQA review).

FINDINGS FOR DENIAL OF MINOR USE PERMIT:

1. The use of the property would not be consistent with applicable policies and requirements of the Placer County General Plan Policy 5.B.1 that states, "the County shall encourage development of private recreation facilities to reduce demands on public agencies." Because the proposed use would attract additional persons to a location that already has a documented history of excessive calls for service to the Placer County Sheriff's Office, the approval of this use could increase the demand on public agencies, contrary to the policies of the Placer County General Plan.
2. The establishment, maintenance or operation of the proposed use would, under the circumstances, be detrimental to the health, safety, peace, comfort and general welfare of the public, as approval of this project would result in additional activities and public presence on a property that has been shown to require an excessive amount of law enforcement presence.
3. Based upon the foregoing, the Planning Commission is unable to make the findings required by Placer County Code section 17.58.140(A) for approval, and the request for modification of PMPM 20100263 is denied.

Respectfully submitted,

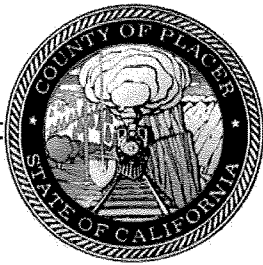


Steve Buelna
Supervising Planner

ATTACHMENTS:

- Attachment A – Zoning Administrator Conditions of Approval
- Attachment B – Vicinity Map
- Attachment C – Site Plan
- Attachment D – Zoning Administrator Staff Report
- Attachment E – Ferrari Appeal
- Attachment F - Correspondence

cc: Ferrari Investments LLC- Appellants
Phil Segal, Tahoe Paddle & Oar - Applicant
Sharon Boswell - Engineering and Surveying Department
Mohan Ganapathy - Environmental Health Services
Scott Finley - County Counsel
Michael Johnson - Planning Director
Subject/chrono files



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, Agency Director

**PLANNING
SERVICES DIVISION**

Paul Thompson
Deputy Planning Director

FINAL FINDINGS AND FINAL CONDITIONS OF APPROVAL
MINOR USE PERMIT MODIFICATION - PMPM 20100263 TAHOE PADDLE AND OAR

FINAL FINDINGS:

CEQA COMPLIANCE:

This project is categorically exempt from the provisions of CEQA per Section 18.36.050 (Class 4)(F)[Minor Temporary Use of Land], of the Placer County Environmental Review Ordinance, October 4, 2001.

MINOR USE PERMIT FINDINGS:

1. The proposed use is consistent with applicable policies and requirements of the Placer County General Plan and the North Tahoe General Plan.
2. The establishment, maintenance or operation of the proposed use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.
3. The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
4. The proposed project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project site.

FINAL CONDITIONS OF APPROVAL:

1. The Minor Use Permit (PMPC 20040160) has been modified on February 2, 2011 by PMPM 2010 0263 for the display of 40 kayaks on two 5 foot x 12 foot storage racks in the southeast corner of the subject property (090-072-028).
2. The applicant shall be required to maintain 20 parking spaces for the proposed kayak rentals.
3. The applicant shall be required to obtain a Business License for the proposed rental/demonstration activities.
4. The applicant shall comply with any conditions imposed by CDF or the serving fire district.

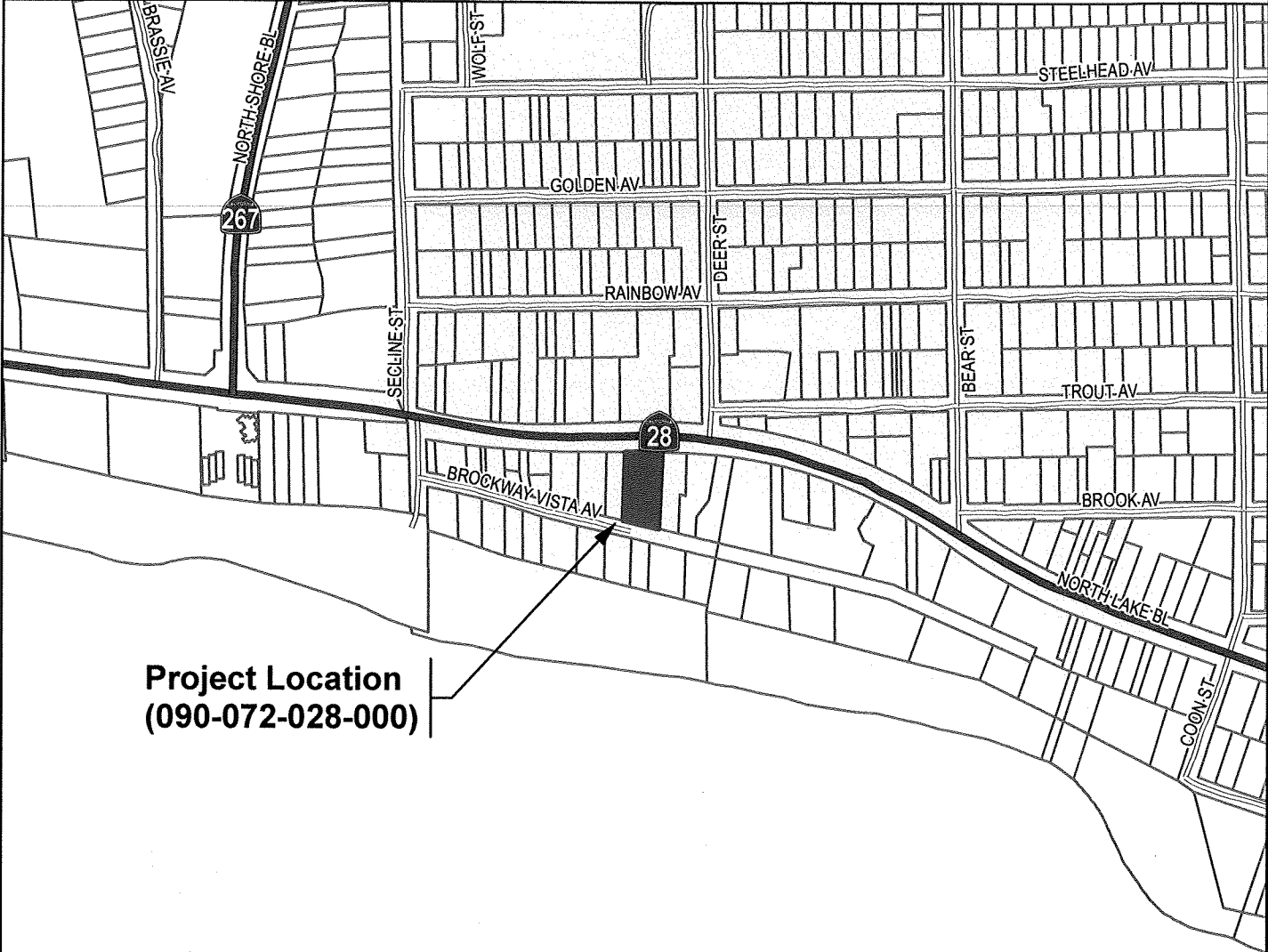
5. Employees and equipment of this operation shall not block Brockway Vista right-of-way for safety access.
6. The applicant shall be prohibited from transporting, by any method other than vehicular transport, kayaks and similar equipment across State Route 28 during the hours of 8 a.m. - 5 p.m.
7. A code compliance verification shall be required prior to issuance of a business license for the rental demonstration kayak rack installation on the Falcon Lodge property.
8. This Minor Use Permit does not grant any right for the applicant to use State property or North Tahoe Public Utility District owned, controlled or managed property for any purpose.
9. No food sales are allowed for this use.
10. The applicant shall be prohibited from using this location as a storage site for the kayaks. The applicant shall be required to have an employee present at the site when the kayaks and/or rack are present at this location.
11. The motel use at this property (090-072-028) shall be limited to ten (10) rental units while this use permit for the kayak rental remains valid.
12. This project will be subject to the payment of traffic impact fees that are in effect for the Tahoe Fee District, pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW **within 120 days**, or prior to issuance of any Building Permits for the project, whichever occurs first:

County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code

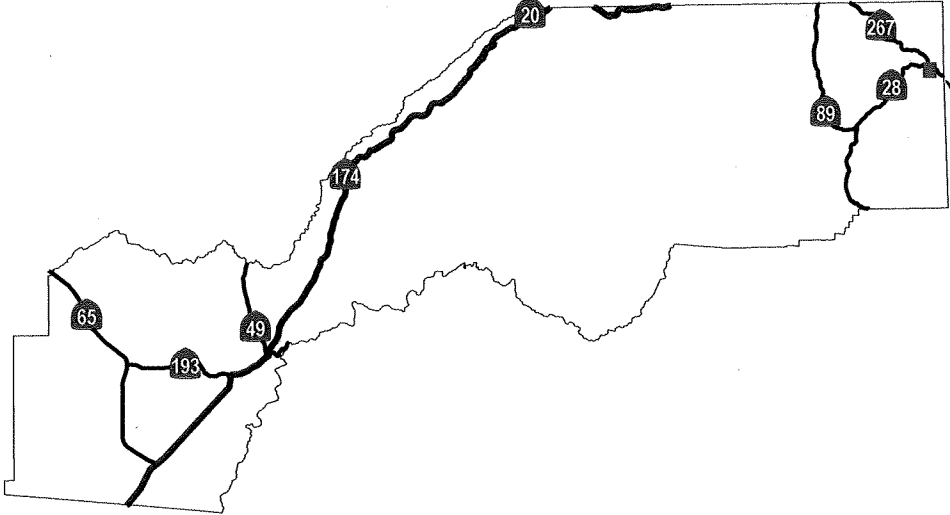
The current total combined estimated fee is \$9,547.07. The fees were calculated based on seasonal hours of operation of April 15th thru October 15th, 9:00 AM to 4:30 PM, with limited (occasional) winter use. If the hours of operation changes and/or number of kayaks permitted increases, then additional fees may apply. The actual fees paid will be those in effect at the time the payment occurs.

13. Parking and circulation to support this use shall be in accordance with the Parking Plan submitted to the DRC on January 20, 2011 (090-072-028) and February 1, 2011 (090-071-029).
14. PMPM 20100263 is approved for the period from February 13, 2011 through February 13, 2012. Upon a review by the Zoning Administrator for compliance with these conditions of approval, this expiration date may be extended, for a period not to exceed five (5) years, as determined to be appropriate by the ZA. Any decision by the ZA must be in writing and may establish a new expiration date without the requirement for a public hearing.

090-072-028-000 Vicinity Map



Project Location
(090-072-028-000)



Map Extent



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, Agency Director

**PLANNING
SERVICES DIVISION**

Paul Thompson
Deputy Planning Director

Date: February 2, 2011
Time: 1:30 pm

DATE: January 25, 2011

TO: Zoning Administrator

FROM: Planning Department

SUBJECT: MPPM 2010 0263 – Modification to Use Permit for Outdoor Display and Outdoor Recreation Concessions

APPLICANT: Tahoe Paddle & Oar

STAFF PLANNER: Steve Buelna

ZONING: PAS- 029 - Kings Beach Commercial / Special Area #2

LOCATION: 8258 North Lake Boulevard in the Kings Beach area.

APN: 090-072-028

PROPOSAL:

Applicant requests a Minor Use Permit Modification to change the condition of approval number 5 (five) that expires this entitlement on December 14, 2010. Through this modification, the applicant requests this entitlement be allowed to continue until December 30, 2015. The approval allowed for the storage/display of up to 20 kayaks. This modification requests the approval allow for a maximum of 40 kayaks to be displayed on this site based on available parking, modifying condition of approval number 1 (one).

CEQA COMPLIANCE:

This project is categorically exempt from the provisions of CEQA per Section 18.36.060 (Class 4)(F)[Minor Temporary Use of Land], of the Placer County Environmental Review Ordinance, October 4, 2001.

BACKGROUND:

The subject property is the current site of the "Falcon Lodge", a commercial property located on the south side of Hwy 28 in the Kings Beach area. This site is approximately 20,000 sq. ft. in size, relatively level, and is for the most part occupied by either structure or paving. The Falcon Lodge contains 24 guest rooms, one manager's unit, and 31 parking spaces. Across the street (north) from this location is Tahoe Paddle and Oar, an outdoor recreation store.

On May 18, 2004, Phil Segal submitted an application on behalf of Tahoe Paddle & Oar (Applicant) to allow for the display of a kayak rack that would be capable of storing 20 kayaks. Several appeals were filed, however the use permit was approved by the Board of Supervisors on December 14, 2004. In March, 2005 the Zoning Administrator approved a modification to this use permit to allow for off-season (October - April) kayak rentals for guests of the Falcon Lodge and to extend the expiration date to December 14, 2010.

ANALYSIS:

The applicant has requested to extend the expiration date of the existing entitlement to December 30, 2015. In addition to the time extension, the applicant is requesting to increase the number of kayaks from the 20 that were allowed under the entitlement approved in 2004 to 40 kayaks. The applicant has also provided a parking plan that demonstrates the ability to provide sufficient parking for this increase in use.

The limitation on the expiration date was originally set due to concerns regarding issues experienced with other concessionaires in the vicinity. This request was placed on hold temporarily, but due to compliance matters with the hotel use, not the Tahoe Paddle and Oar business. Staff has concluded that extending the approval for this use as well as the increase to the number of kayaks would not be inconsistent with the surrounding uses.

RECOMMENDATION:

Staff recommends approval of the requested modification extending the approval to December 30, 2015 (PMPM 2010 0263), subject to the attached set of findings and recommended conditions of approval.

FINDINGS:

CEQA COMPLIANCE:

This project is categorically exempt from the provisions of CEQA per Section 18.36.050 (Class 4)(F)[Minor Temporary Use of Land], of the Placer County Environmental Review Ordinance, October 4, 2001.

MINOR USE PERMIT FINDINGS:

1. The proposed use is consistent with applicable policies and requirements of the Placer County General Plan and the North Tahoe General Plan.
2. The establishment, maintenance or operation of the proposed use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.

3. The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
4. The proposed project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project site.

ATTACHMENTS:

- | | |
|----------------|--|
| Attachment 1 - | Recommended Conditions of Approval – Planning Service Division |
| Attachment 2 - | Recommended Conditions of Approval – Engineering and Surveying Department |
| Attachment 3 - | Recommended Conditions of Approval – Environmental Health Department |
| Attachment 4 - | Project Plans |

ATTACHMENT 1

**CONDITIONS OF APPROVAL
PLACER COUNTY APPLICATION NO. PMPM20100263
TAHOE PADDLE AND OAR
MINOR USE PERMIT MODIFICATION**

RECOMMENDED CONDITIONS:

1. The Minor Use Permit (PMPC 20040160) has been modified on February 2, 2011 by PMPM 2010 0263 for the display of 40 kayaks on two 5 foot x 12 foot storage racks in the southeast corner of the subject property (090-072-028).
2. The applicant shall be required to maintain 20 parking spaces for the proposed kayak rentals.
3. The applicant shall be required to obtain a Business License for the proposed rental/demonstration activities.
4. The applicant shall comply with any conditions imposed by CDF or the serving fire district.
5. This approval shall be in effect until December 30, 2015.
6. Employees and equipment of this operation shall not block Brockway Vista right-of-way for safety access.
7. The applicant shall be prohibited from transporting, by any method other than vehicular transport, kayaks and similar equipment across State Route 28 during the hours of 8 a.m. - 5 p.m.
8. A code compliance verification shall be required prior to issuance of a business license for the rental demonstration kayak rack installation on the Falcon Lodge property.
9. This Minor Use Permit does not grant any right for the applicant to use State property or North Tahoe Public Utility District owned, controlled or managed property for any purpose.
10. No food sales are allowed for this use.
11. The applicant shall be prohibited from using this location as a storage site for the kayaks. The applicant shall be required to have an employee present at the site when the kayaks and/or rack are present at this location.

12.

13.

1:30

14



COUNTY OF PLACER
Community Development Resource Agency

**ENGINEERING &
SURVEYING**

MEMORANDUM

TO: STEVE BUELNA, PLANNING DEPT
NICOLE HAGMAIER, PLANNING DEPT

DATE: REV – JANUARY 21, 2011

FROM: SHARON BOSWELL, ENGINEERING AND SURVEYING DEPT

SUBJECT: MPPM 20100263: MOD. PMUP 20040160 - TAHOE PADDLE & OAR – KAYAK RENTAL & STORAGE; N LAKE BL, KINGS BEACH; SEGAL; (APN: 090-072-028)

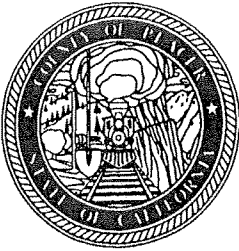
This application is for an extension of the expiration date for an existing Minor Use Permit for the outdoor rental and storage of kayaks. The modification also includes an expansion to allow rental of 40 kayaks where 20 are currently allowed. The Engineering and Surveying Department (ESD) supports the Development Review Committee's recommendation for this Modification to Minor Use Permit application subject to the following condition of approval:

1. This project will be subject to the payment of traffic impact fees that are in effect for the Tahoe Fee District, pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW **within 120 days**, or prior to issuance of any Building Permits for the project, whichever occurs first:

County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code

The current total combined estimated fee is \$4,091.60. The fees were calculated using the information supplied. If either the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs.

2. Parking and circulation to support this use shall be in accordance with the Parking Plan submitted to the DRC on January 20, 2011.



PLACER COUNTY PLANNING DEPARTMENT

AUBURN OFFICE

3091 County Center Dr

Auburn, CA 95603

530-886-3000/FAX 530-886-3080

Web page: www.placer.ca.gov/planning

TAHOE OFFICE

565 W. Lake Blvd./P. O. Box 1909

Tahoe City CA 96145

530-581-6280/FAX 530-581-6282

E-Mail : planning@placer.ca.gov

Reserved for Date Stamp

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FEB 14 2011

PLANNING APPEALS

PLANNING DEPT.
TAHOE

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

OFFICE USE ONLY

Last Day to Appeal 02-14-11 (5 pm)

Letter Received 02-14-11

Oral Testimony _____

Zoning _____

Maps: 7-full size and 1 reduced for Planning Commission items

Appeal Fee \$ 504

Date Appeal Filed 02-14-11

Receipt # 11-0072252

Received by AB/SW

Geographic Area TAHOE: Kings Beach

TO BE COMPLETED BY THE APPLICANT

- Project name MUP #PMPM 20100263
- Appellant(s) Ferrari Investment LLC (Dieferrari) 530-546-3388 530-546-3851
 Address P.O. Box 845 Kings Beach Ca Ca 96143
 City State Zip Code
 Telephone Number Fax Number
- Assessor's Parcel Number(s): 090-072-028
- Application being appealed (check all those that apply):
 Administrative Approval (AA-_____) _____ Tentative Map (SUB-_____)
☒ Use Permit (CUP/MUP 20100263) _____ Variance (VAA-_____)
 Parcel Map (P-_____) _____ Design Review (DSA-_____)
 General Plan Amendment (GPA-_____) _____ Rezoning (REA-_____)
 Specific Plan (SPA-_____) _____ Rafting Permit (RPA-_____)
 Planning Director Interpretation _____ (date) _____ Env. Review (EIAQ-_____)
 Minor Boundary Line Adj. (MBR-_____) _____ Other: _____
- Whose decision is being appealed: 2A - George Rosasco
 (see reverse)
- Appeal to be heard by: Planning Commission
 (see reverse)
- Reason for appeal (attach additional sheet if necessary and be specific):
See attached

(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s)

[Signature]

Planner: Steve Buelna
 ESD: Rebecca Taber
 ESD: Janelle Heinzler
 Parks: Andy Fisher
 Environmental Health
 APCD

RECEIVED
FEB 14 2011

PLANNING DEPT.
TAHOE

February 12, 2011

Placer County
Planning Department/CRDA
Appeal of Minor Use Permit (MUP) modification (PMPM20100263)
Zoning Administrator

Mr. Rosasco,

This is to notify the Planning Dept that we are appealing your decision regarding the extension and modification of the above mentioned MUP. We assume the documents we presented at initial hearing will also be part of this appeal.

I will first say that our family has been in business and lived next to the Falcon Lodge for 56 years. I don't think there would be any disagreement that we have maintained a good operation and are surviving in a very difficult economic time. As Transient Occupancy Tax (TOT) is not a public record, I am not sure but I would venture to say that we are one of the biggest payers of TOT on the North Shore. We have been good residents of the community and active participants.

And for anyone who reads this appeal, I will reiterate that we **live** next door.

We have some concerns with the Kayak operation:

1. Current permit expired in December of 2010.
2. More than the 20 kayaks allowed under current permit were stored on the Falcon property in the past year. Neighbor Debi Langston provided a photograph for the February 2 hearing. She counted 71 at one point. The front door of Ms. Langston's home opens to where Kayaks etc. are kept.
3. We are not sure how the rental operation functions without lakefront ownership.

Overall, Mr. Segal runs a solid operation and is a positive asset to the community and the region.

Our issues as a family come from the current operation of the Falcon Lodge. We believe there is a minimum standard of management, maintenance and safety that must be maintained to have the right to, and the income provided by an MUP. We also believe the same standard must apply to maintaining a business license in good standing. The place is in a severe state of disrepair. Paint is peeling off the exterior, trim is missing, composition roof is visibly curling, the landscape is not maintained, and the helter skelter look of the place makes it unappealing to locals and visitors. Photos will be forthcoming.

As for the Falcon Lodge operation, we don't believe there is any paid management, housekeeping or maintenance staff for what is we believe to be a 20 unit motel and 4 residential apartments. There has not been any consistent management by the owner and it doesn't appear there is any staff person onsite when owner is not there. As a result of this neglect the Placer County Sheriffs have visited this site, 258 times in 3 years. This is 1.4 times/week. To be fair, 20 of these visits were in assistance to other Placer County agencies.

Falcon Lodge calls include but are not limited to the following:

| | |
|-----------------------------|----|
| Noise | 9 |
| Assault w/medical aid | 2 |
| Assaults | 10 |
| Disturbance/physical fights | 14 |
| Domestic assault | 5 |
| Drug activity | 2 |
| Drunk in public | 6 |
| Man down | 2 |
| Medical aid | 16 |
| Probation searches | 22 |
| Theft | 5 |
| Threats | 5 |
| Suspicious circumstances | 6 |
| Missing persons | 2 |
| Warrant arrests | 12 |
| Welfare Check | 6 |
| Fires | 1 |
| Foot patrol | 19 |

Based on our 56 years in business, we can state that the calls to the Falcon Lodge are

not typical calls for a lodging operation. Our calls have been general concern medical aid or a noisy guest.

I don't think any realistic person would conclude that the physical condition of the Falcon Lodge property and the number of visits by the authorities **isn't** hurting our business. On a Saturday in August, 2010, we had 2 sheriff cars in our front parking lot with lights full on, one parked out front on the eastern highway side of our property and one to the west by Java Hut. As reported by one of our guests, two sheriff deputies got out of their cars with shotguns and proceeded to the Falcon where we believe they made two arrests. This was in the height of our summer season. We were completely full.

This incident however, was better than the summer night a number of years ago when a Molotov cocktail was thrown at the Falcon and we had a SWAT team with dogs on our decks searching for the culprit. We don't know the number of guests that don't return to us after these incidents or because of the physical condition of the property, but we do know that return business is our biggest source of revenue. We will provide a professional opinion at the appeals hearing regarding the affect on our property value as a result of the condition of the Falcon Lodge. We also will ask for a legal opinion as to our potential liability exposure from the operation. We might suggest that Placer County do the same as it contemplates bringing more people onto the property.

At the February 2 hearing it was stated by the hearings officer, that a condition of the permit extension would be to limit the Falcon Lodge to renting only 10 units. We do not understand how this will be determined or enforced. At the hearing we were told Code Enforcement would be responsible for enforcement. Currently, Placer County has two Code Enforcement officers for the entire County. It is my understanding that they do not come to properties unless there is a complaint filed. Is it within the duties of Code Enforcement to account for occupancy at the Falcon Lodge? How will they know which 10 units are rented? Does a member of the public such as the Ferraris need to file a complaint for action to be taken?

We were told at the hearing that the reduction of the Falcon Lodge from what we believe is now 24 units to 10 should reduce the Sheriff visits issues described previously. At the hearing we argued that no more than 10 units/night are generally rented at the Falcon. TOT collections reports provide real data and we ask that those reports be reviewed. We know from our operation that our occupancy is about 55% and that 55% is high for places of our size and standard. It would be easy to believe that 10 units/night/year might be high for a property in the current dilapidated condition of the Falcon.

We were also told at the hearing that the presence of the kayak operation is better than no one being there. Since the kayak operation has been there for the past three years, are we to believe that there would have been **more** than 258 Sheriff calls if they were not there? Additionally the kayak business does not operate at night and nor does it operate for 9 months of the year so the logic of the hearings officer on the Kayak operation having a positive impact on the operation of the Falcon Lodge is simply

incorrect. In fact the statistics prove the presence of the kayak operation has no positive effect on the conditions at the Falcon Lodge.

If there is marginal TOT revenue being reported by the Falcon, are the units being used as residential housing? Can these units simply be taken out of use to accommodate a kayak operation? Isn't there a formal process to eliminate housing units? If this will be policy of planning department then we need to understand which units are to be rented and who will enforce the limit?

We also question if it is good planning policy or precedent to eliminate 14 lakeside lodging units to accommodate a mostly summer kayak operation. We are not sure what type of revenue the kayak operation generates for the County but we well know that TOT potentially provides significant revenue. Since we were in escrow on Falcon before the current owner purchased the property, we believe that TOT records from that time will show the business grossing ~ \$250,000/year on the SR28 side of the highway. (We purchased only the 6 units on the lakefront bordering Brockway Vista) Is it part of the Planning Dept mission to consider the highest and best use for a property or consider the loss of job potential by eliminating 14 units on a yearly basis? What is the net economic effect of the current Falcon operation for Placer County.

We have presented some Sheriff records in this document and North Tahoe fire records at the first hearing. We will provide additional records as available to the public from other County agencies at the appeal hearing before the Planning Commission.

We also notice that in Condition 5 of the current ruling by the ZA that the Kayak operation is prohibited from blocking emergency access on Brockway Vista Ave. Given that Brockway Vista Ave. ends at the southwest corner of the Falcon Lodge property and the kayaks are stored on the southeast corner, we would ask that a condition of any permit prohibit access of Kayak operation on Brockway Vista Ave except in case of emergency. They have access through the Falcon Lodge off SR 28. Brockway Vista is an unimproved County road that is mostly SFD summer residential and splits the current Ferrari Crown Resort lodging operation. There is no outlet going east except through our property and no reason to direct any additional traffic down the road which is crossed daily by families, pets and visitors in the summer time. I will supply letters from the neighbors on the road supporting this. The Falcon Lodge has not had historical vehicle access to the highway side from this road as the pool blocked any access except for pedestrians. As previously stated, we own the 6 units on the lakefront that were formerly owned by the Falcon Lodge.

We also have questions on the parking plans submitted for this extension. We assume that the 6 spots being claimed for the kayak operation at Tahoe Paddle and Oar are consistent with the map filed with the original MUP for the Jet Ski and Parasail operation that also includes parking on this site? We also notice a discrepancy in the maps we have received for parking at the Falcon Lodge. One shows 33 spaces at the Falcon with none on Brockway Vista. The other shows 37 including 4 on Brockway Vista Ave. The document we have stamped January 20, 2011 states "Site Survey: Shows #33 parking spaces available". Historically, there was only one unit at the Falcon with

access to Brockway Vista Ave. However, main and only keyed access is from the front door on the SR28 side. This is part of a 4-plex originally built by Stanley Cline that is zoned residential. Somewhere along the line, 5th unit was created by splitting off a portion of one unit and adding a door to the Brockway Vista side. This 5th unit was part of the most recent code enforcement complaint. We will contact a former long time owner of the Falcon Lodge and have more information on this parking and creation of a 5 unit for upcoming hearing. Again, this gets to bringing unnecessary traffic down an unimproved road. There should be no need for any parking spaces on Brockway Vista Ave.


Parking maps also do not include a dumpster location. Unless it has recently changed service, the Falcon Lodge no longer uses a dumpster and instead puts cans out on the SR28. We believe that one dumpster should be required for the operation of the Kayak business and the Falcon Lodge operation on a year round basis.

Modification of MUP as a result of February 2 , #10, does not allow for storage of kayaks when rentals not in operation. We have no issue with year round storage if it occurs on the eastern edge of the property and is done in an orderly manner as is typical with Mr. Segal's current operation.

Finally, the Falcon Lodge is located in one of the key areas identified by Placer County for redevelopment. Kings Beach is undergoing a major revitalization project with the Kings Beach Core Improvement Project. Our family will be before TRPA at their February meeting to extend our Community Enhancement Project (CEP) which would result in the complete redevelopment of our property here and directly across the highway. It does not seem good planning policy to intensify the use of the Falcon Lodge by doubling the kayak operation and extending the permit with all the changes coming to the community.

We look forward to a reasonable review of our concerns and eagerly anticipate your response.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Dave Ferrari', written over a horizontal line.

Dave Ferrari on behalf of the Ferrari family
Co-owner/manager
Ferrari Investments LLC

Crown Motel

8200 North Lake Tahoe Blvd

Kings Beach, CA 96143

RECEIVED
FEB 14 2011
PLANNING DEPT.
TAHOE

Dear Mr. Ferrari,

Over the past twenty years my family and I have spent many days at Crown Motel Resort, and truly enjoyed your wonderful hospitality and overall vacation experience. My wife and I came to Ferrari's Crown this past weekend (July 15-18), and I wanted to email you to express our displeasure with your neighbor's facility: The Falcon Lodge.

The outside of their premises is such a mess that it looks like a junkyard, and it was disgraceful to look at while walking to our great room at the Crown. It truly brings down the beauty of the surrounding area. The occupants of the Falcon Lodge seemed like unsavory characters, and had mattresses and other junk outside of their rooms

When one comes to relax, and pay top dollar to enjoy the view of the lake, they should not have to see such rubbish on the way to their room, as it really ruins the experience, and almost adds a level of discomfort.

Please feel free to call or e-mail me for further information.

Regards,

Mr. & Mrs. Joseph Barbara 650.224.0035

RECEIVED

APR 05 2011

CDRA

FRANK LAW GROUP, P.C.

David E. Frank

Gregory W. Koonce
Brett E. Rosenthal
Jennifer B. Holdener

Courthouse Plaza
1517 Lincoln Way, Auburn, CA 95603
Telephone (530) 887-8585 / (916) 442-0145
Facsimile (530) 887-8586
www.franklawgroup.com
defrank@franklawgroup.com

Of Counsel:
Lori J. Gualco
Annie R. Embree
Darren P. Trone, P.C.

April 4, 2011

VIA HAND DELIVERY

Placer County Planning Commission Members
3091 County Center Drive, Suite 140
Auburn, CA 95603

Re: Third Party Zoning Administrator Appeal – Minor Use Permit
Tahoe Paddle & Oar (PMPM 2010 0263)
Categorically Exempt 18.36.060 Class 4F

Dear Chairperson Johnson & Members of the Planning Commission:

This firm represents Phil Segal and his company, Tahoe Paddle & Oar, the applicant for the Minor Use Permit ("MUP") referred to above, in connection with the appeal of the issuance of that permit by Ferrari Investments, LLC and its principal, Dave Ferrari. Pursuant to the MUP, Mr. Segal seeks to operate a display rack for the storage and rental of 40 kayaks on the southeast corner of the Falcon Lodge property in Kings Beach. We request that the commission deny the appeal and approve the MUP subject to the conditions listed in the Staff Report, as modified by the Alternative Parking Plan submitted by the applicant to the planning department on March 18, 2011. A copy of the Alternative Parking Plan is enclosed herewith as Exhibit "A".

I have reviewed the Development Review Committee's Staff Report dated March 17, 2011 for this matter. The report addresses the nine issues raised by appellant Dave Ferrari in his appeal. The main issue raised by the Staff Report is whether the applicant can identify an alternative parking solution that does not require the Falcon Lodge to hold rooms vacant. The Alternative Parking Plan (Exhibit "A") does just that.

My client and I believe that it is important to place this entire matter in proper perspective. The appellant, Ferrari Investments LLC, and its principal David Ferrari, are the owners of the neighboring Crown Motel. The Crown Motel property runs a competing kayak concession pursuant to MUP-2720, which has been in operation since September 2001. In August 2003, the operator of the Crown Motel's kayak concession, Ben Shaff (Tahoe Time Kayaking) proposed expanding his operation by permitting kayak rentals not only to guests of the Crown Motel but also to public walk-in patrons. A copy of the planning department's Staff Report to the Zoning Administrator dated August 15, 2003 relative to Mr. Shaff's 2003 proposal is enclosed herewith as Exhibit "B".

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ATTACHMENT F

The Shaff 2003 proposal permitted the rental of up to 20 kayaks from the Crown Motel property, which resulted in an 11 space parking requirement for that type of use. However, the applicant only had 9 available spaces for the kayak rental. That lower number was approved pursuant to a variance request (VAA-4191) on the basis that the two separate uses of the property (motel and kayak uses) are not likely to overlap. It was staff's opinion "that it is not likely in the Tahoe area for motel guests to stay around the motel during the day when the kayak use would occur." Fair enough; then the same rationale should apply to Mr. Segal's application.

Pursuant to the Alternative Parking Plan (Exhibit "A"), however, there are a sufficient number of spaces to comply with the parking requirements without the need for a variance, like the one granted to Mr. Shaff. Moreover, as a practical matter, it is likely that at least some of the motel patrons at the Falcon Lodge (just like the motel patrons at the Crown Motel) will make use of some of the kayaks available for rent on the Falcon Lodge property. Bottom line: there is more than sufficient parking for Mr. Segal's Kayak operation under the Alternative Parking Plan without the need to limit room rentals at the Falcon Lodge.

With the foregoing in mind, I will now address the other issues raised by the appellant.

1. More than the allowed number of kayaks have been stored at the site. My client has complied with the previous conditions of approval. No more than 20 kayaks have been stored on site. The current MUP will permit him to increase that number to 40 kayaks.
2. Lack of Lakefront Ownership. There is a public beach between the Falcon Lodge property and Lake Tahoe. Patrons of the beach and other members of the public are Mr. Segal's customers and have the legal right to access the beach through the Falcon Lodge property.
3. Current operation of the Falcon Lodge. While Mr. Segal concedes that the appearance of the Falcon Lodge units themselves is less than desirable, his operation of Kayak rentals from the rear portion of the property is unrelated to that issue. Mr. Ferrari concedes in his February 12, 2011 letter to the Planning Department in support of his appeal that Mr. Segal's current operation is conducted in an "orderly manner". That will not change.
4. Need for an excessive number of visits from law enforcement. None of the law enforcement visits were related to Mr. Segal's Kayak concession.
5. Zoning Administrator's decision to limit rooms is unenforceable. Mr. Segal concurs and has developed the Alternative Parking Plan (Exhibit "A") which eliminates the need to limit room occupancy.
6. The Zoning Administrator's position that the permit will better the situation is inaccurate. Since the number of rooms available for rent will not be reduced under the Alternative Parking Plan (Exhibit "A"), the interest in attracting new motel patrons will not be reduced either. Thus, the issuance of the MUP will in no way worsen the condition of the Falcon Lodge. As indicated in the Staff Report, it would be inherently unfair to condition the issuance of Mr. Segal's MUP on upgrading the appearance of the motel, especially where the only objecting party (Mr. Ferrari) has a direct interest in the competing kayak rental operation next door.

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7. Kayak rentals are not the highest and best use of the property. As noted in the Staff Report, the County Code expressly permits outdoor recreation concessions in this area with the approval of an MUP.

8. Request to prohibit access of kayak operation off Brockway Vista Ave. Brockway Vista is a public right of way, ensuring safe access to the south eastern portion of the Falcon Lodge property, where the kayak concession has and will continue to operate with the approval of the MUP. To block access via Brockway Vista would create more traffic problems on SR28, as access from Tahoe Paddle and Oar would then be limited through the Falcon Lodge driveway.


9. Adequacy of parking. The Alternative Parking Plan (Exhibit "A") provides for the required parking without the need for a variance, like the one that was granted to Mr. Ferrari's kayak concessionaire in 2003. Moreover, under the new plan, all rooms at the Falcon Lodge will be available for lodging.

Issuance of the MUP to Mr. Segal will enhance the safety of the kayak-using members of the public who choose to rent kayaks from Tahoe Paddle and Oar. Continued operation on the Falcon Lodge property will minimize the number of kayakers who might otherwise attempt to carry kayaks across SR28. Mr. Segal operates his Kayak business on the Falcon Lodge property in an "orderly manner" as acknowledged by Mr. Ferrari, the appellant.

Based on the foregoing Mr. Ferrari's appeal should be denied and the MUP for Mr. Segal's business should issue subject to the Alternative Parking Plan submitted to the Planning Department by Mr. Segal on March 18, 2011. Thank you for your attention and consideration of this very important matter.

Respectfully submitted,

FRANK LAW GROUP, P.C.

By: 
David E. Frank

DEF/jmv

Encls.

cc: Client

Dave Ferrari

Steve Buelna

Fred Hodgson

Exhibit "A"

March 18, 2011

TO: Steve Buelna, Supervisor Planner

FROM: Phil Segal, Tahoe Paddle & Oar

REGARDING: MINOR USE PERMIT MODIFICATION (PMPM 20100263) ALTERNATIVE PARKING PLAN

As recommended in your Staff Report, the following is the alternative parking plan to accommodate the required MUP Parking requirement without encumbering rental rooms at the Falcon Lodge:

The Falcon Lodge has #33 parking spaces (not including #12 existing non-conforming) on the property.

#25 parking spaces are allocated to the Falcon Lodge.

8 parking spaces are allocated for the MUP.

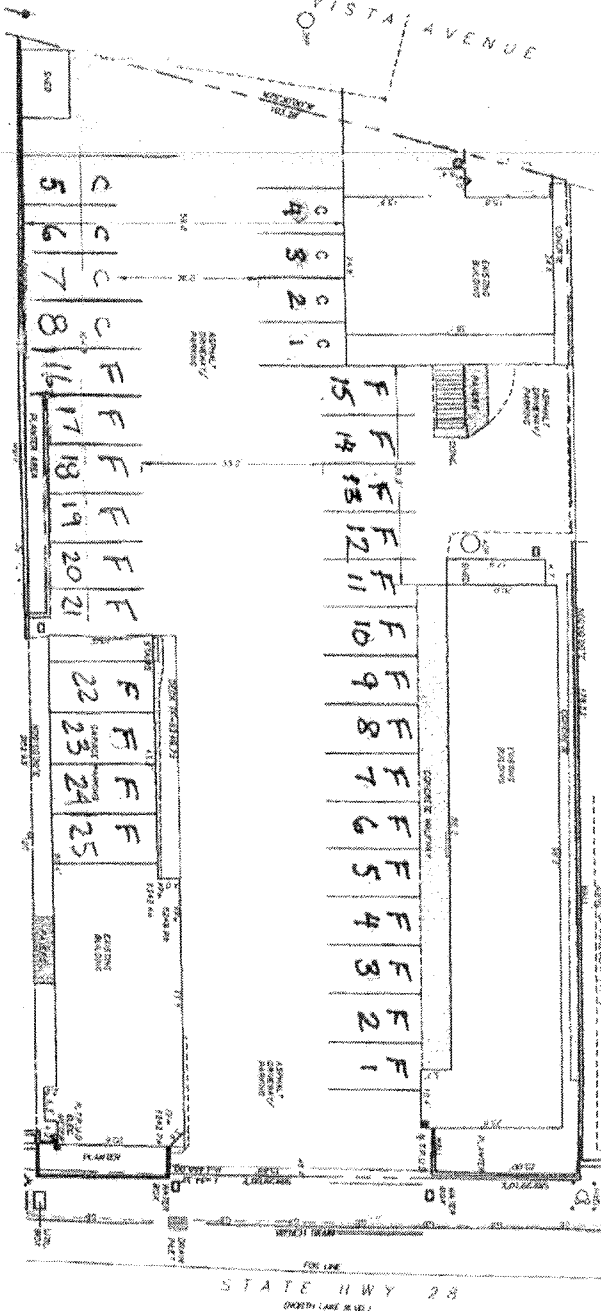
Tahoe Paddle & Oar has #23 parking spaces on the property

11 parking spaces are allocated to the property.

12 parking spaces are allocated for the MUP.

The previous submitted parking plan(s) designate the parking available at both the Falcon Lodge property and Tahoe Paddle & Oar.

STATE HIGHWAY 28
BROCKWAY VISTA AVENUE

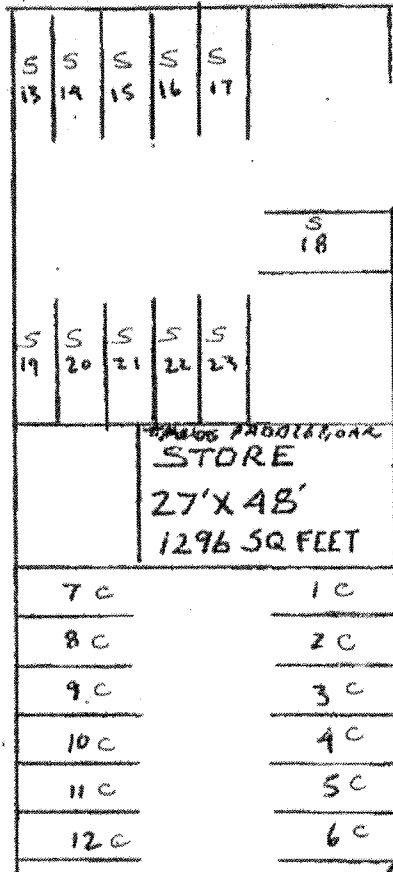


F = FALCON LODGE PARKING SPACES # 25
C = MUP PARKING SPACES # 2
EXHIBIT A

PARKING EXHIBIT

N

RITE
AID



S = STORE PARKING SPACES # 11
C = MUP PARKING SPACES # 12

Exhibit B

HIGHWAY 28

TAHOE PADDLE BOAT
PARKING PLAN
APN 090 071 029
8299 NORTH LAKE BLVD.

SCALE 1/32" = 1'

Exhibit "B"

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**MEMORANDUM
PLACER COUNTY
PLANNING DEPARTMENT**

Date: Aug. 21, 2003

Time: 9:30 am

DATE: August 15, 2003

TO: Zoning Administrator

FROM: Planning Department

SUBJECT: MUP-2720 (Mod.) – Use Permit for Outdoor Display and Outdoor
Recreation Concessions
VAA-4191 - Variance to Parking Requirements

APPLICANT: Ben Shaff for Tahoe Time Kayaking

STAFF PLANNER: Steve Buelna

ZONING: PAS- 029 - Kings Beach Commercial / Special Area #2

LOCATION: 8200 North Lake Boulevard in the Kings Beach area.

APN: 090-073-007

PROPOSAL:

Applicant requests approval of a modification of their use permit to remove Condition 3, which would allow their business to rent to public walk-in patrons. The applicant also requests a variance to the parking to allow for 9 parking spaces to be provided where 11 would otherwise be required.

CEQA COMPLIANCE:

This project is categorically exempt from the provisions of CEQA per Section 18.36.060 (Class 4)(F)[Minor Temporary Use of Land] and Section 18.36.070 (Class 5)(A)(1)[Minor alterations in land use limitations] of the Placer County Environmental Review Ordinance, October 4, 2001.

BACKGROUND:

The subject property is the current site of the "Crown Motel", located on the south side of Hwy 28 in the Kings Beach area. This site is approximately 10,300 sq. ft. in size, relatively level, and is for the most part occupied by either structure or paving.

In September of 2001, the applicants were approved a Minor Use Permit to allow for outdoor concessions of kayaks. This permit allowed for the rental of up to 20 kayaks, but limited the rentals to the patrons of several of the surrounding motels.

ANALYSIS:

In the past couple of years, the applicants explain that they have frequently been forced to turn non-motel patrons away. Many of these people happen to be visitors of the State Beach that is located to the west of this business location. Although, at this point, the applicants have no intentions of advertising, they would like to have the ability to offer their services to beach users other than just the motel patrons.

When this project was proposed in 2001, the service was intended to be limited to the patrons of the nearby motels. At that time, it was determined that the project would have adequate parking, as the potential kayakers would have already been accounted for in the motel parking calculations. Now that the applicant would like to remove this condition that limits kayak rentals to the motel patrons, staff must evaluate the parking demand that could be generated by this operation.

The North Tahoe General Plan states that the parking requirements for this type of use should be determined on a case by case basis. Staff estimates the rental of non-motorized watercraft to generate a parking demand of 1 parking space for every 2 kayakers and 1 space per employee. This business has the potential to rent up to 20 kayakers and has, at most, 1 employee at any given time. This results in a requirement for 11 spaces for this type of use. The applicant explains that parcel 090-072-009 contains 6 motel units, 1 employee housing unit, and 16 parking spaces. The motel use for this site generates a need for a total of 7 parking spaces (1 space per unit and 1 space per employee). This allows the applicant to have 9 spaces available for the kayaking rental, where 11 would otherwise be required. As a result, the applicant has included in this application a variance request to the number of required parking spaces.

Typically, staff is not able to support a variance to the number of required parking spaces. However, in this case, this particular property has two separate uses that are not likely to overlap. It is staff's opinion that it is not likely in the Tahoe area for a motel guest to stay around the motel during the day when the kayak use would occur. Staff has conducted several visits to the site during different parts of the week when heavy tourist traffic occurred. On all occasions, the applicant's site contained available parking spaces (even with a "No Vacancy" sign being displayed). Furthermore, there is still a number of the motel guests that are likely to make use of the kayak rental. As stated earlier, the applicant does not have intentions of advertising to bring customers in. Rather, the applicant would like to be able to make his kayakers available to those who are already at the beach. As a result of all of these factors, staff is of the opinion that the proposed modification and variance would not have a negative impact on the surrounding properties.

RECOMMENDATION:

Staff recommends approval of the requested modification to the minor use permit (MUP-2790) and the requested variance (VAA-4191), subject to the attached set of findings and recommended conditions of approval.

FINDINGS:

CEQA COMPLIANCE:

This project is categorically exempt from the provisions of CEQA per Section 18.36.050 (Class 3)(B)[Multi-Family Residential Structure] and (Class 5)(A)(1)[Minor alterations in land use limitations] of the Placer County Environmental Review Ordinance, October 4, 2001.

MINOR USE PERMIT FINDINGS:

1. The proposed use is consistent with applicable policies and requirements of the Placer County General Plan and the North Tahoe General Plan.
2. The establishment, maintenance or operation of the proposed use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.
3. The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
4. The proposed project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project site.

PROJECT FINDINGS: VARIANCE

1. There are special circumstances applicable to this property, specifically the overlapping uses on the site and the nature of the proposed business, which would make the strict application of Chapter 17.60.100(D) (Action on a variance), Placer County Code, result in depriving the property of privileges enjoyed by other property in the vicinity under identical zoning classification.
2. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
3. The variance does not authorize a use that is not otherwise allowed in the zoning district.
4. The granting of the variance does not, under the circumstances and conditions, applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.
5. The variance is consistent with the Placer County General Plan and the North Tahoe General Plan.
6. The variance is the minimum departure from the requirements of the ordinance necessary

to grant relief to the applicant, consistent with Chapter 17.60.100(D) (Action on a variance), Placer County Code.

RECOMMENDED CONDITIONS:

1. The modification of Minor Use Permit (MUP-2720) removes the previous Condition 3 that limited the use of the non-motorized vessels to the tenants of Ferrari Crown, Goldcrest, Falcon Lodge, Sun & Sand, and Big 7 Resorts. All other conditions of this MUP shall apply.
2. The Variance (VAA-4191) approves a reduction in the number of required parking spaces and allows the applicant to maintain 9 spaces for the proposed use, where 11 would otherwise be required.
3. The applicant shall comply with any conditions imposed by CDF or the serving fire district.
4. This approval shall expire on September 1, 2005 unless exercised by that date by the display of such equipment on the site.

t:\cmd\cmdp\steve\ZA items\use permit\Faloe Time Kayaking

APRIL 15, 2011

TO: Placer County Planning Department, North Tahoe Regional Advisory Council, Placer County Planning Commission

FROM: Fred Hodgson, Owner, Falcon Lodge and Phil Segal, Tahoe Paddle & Oar

REGARDING: MUP PMPM 2010 0263

Regarding MUP PMPM 2010 0263:

I would like to respond to the concerns expressed from Dave Ferarri and the North Tahoe Regional Advisory Council regarding the current condition of the Falcon Lodge and my proposal to improve the condition of the property and improve the visual environment of the neighborhood with the financial help from the revenue generated from the MUP.

Our plan is to establish an improvement fund of \$4,000 per year at the Falcon Lodge with the revenue generated from the MUP/ Kayak Rental Operation. The funds would be earmarked for specific annual improvements on the property; exterior painting, driveway paving, sealing and striping etc.

This is a positive move in the right direction that will benefit for everyone.

Sincerely,

Fred Hodgson



Date 4-18-11

Phil Segal, Tahoe Paddle & Oar



Date 4.18.11